

# EXHIBIT 1

BEYS LISTON & MOBARGHA LLP  
Michael P. Beys

November 14, 2016

Damian Williams, Esq.  
Andrea Griswold, Esq.  
Assistant United States Attorneys  
United States Attorney's Office  
Southern District of New York  
One St. Andrew's Plaza  
New York, New York 10007

Re: *United States v. Kaleil Isaza Tuzman*, No. S7 15 Cr. 536 (PGG)

Dear Counsel:

We write on behalf of defendant Kaleil Isaza Tuzman, pursuant to Rule 16 of the Federal Rules of Criminal Procedure, to demand that the government preserve and produce any all documents in its possession, custody or control relating to Mr. Isaza Tuzman's arrest and imprisonment in Colombia at the government's request.

Specifically, we are seeking discovery of any and all documents in the government's possession, custody or control regarding: the reasons for Mr. Isaza Tuzman's provisional arrest in Colombia and the government's stated belief that he was a fugitive from justice; the government's knowledge of threats to the defendant's safety while he was imprisoned in Colombia; the government's efforts, if any, to ensure the defendant's safety and well-being while in Colombia; the government's awareness or knowledge of Mr. Isaza Tuzman's complaints to Colombian prison authorities and United States consular authorities; the government's awareness or knowledge of Mr. Isaza Tuzman's complaints and statements to the press, whether in Colombia or the United States; communications with the State Department and Office of International Affairs regarding the representations made by the government in response to the defendant's November 10, 2015 motion to dismiss the arrest warrant; and any other documents related to the defendant's arrest and imprisonment in Colombia.

This request includes but is not limited to any communications between, within and among the United States Department of Justice ("DOJ") (including the Office of International Affairs) and its law enforcement partners and agencies (e.g., the Federal Bureau of Investigation, United States Marshals Service and United States Postal Inspection Service), the United States Attorney's Office, the United States State Department (including the U.S. embassy in Colombia), and any Colombian officials, as well as communications between the United States or Colombian officials and the defendant or his counsel.

The requested documents are material to the preparation of Mr. Isaza Tuzman's defense. Mr. Isaza Tuzman is considering filing a motion to dismiss the above-captioned indictment that

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challenges his arrest and detention in Colombia, and the United States government's conduct in that regard. *United States v. Russell*, 411 U.S. 423, 431-32 (1973); *United States v. Rochin*, 342 U.S. 165, 173 (1952); *see also United States v. Toscanino*, 500 F.2d 267, 275 (2d Cir. 1974). The potential motion also concerns potential improper motivations the government may have had that resulted in Mr. Isaza Tuzman's arrest and imprisonment in Colombia. *See, e.g., United States v. Goodwin*, 457 U.S. 368, 373 (1982). Accordingly, further discovery into the government's conduct, knowledge, and motivations is material to the defense of this action.

Should the government withhold any of the requested documents under a claim of privilege, immunity or protection, please provide a privilege log that sets forth: the factual and legal bases upon which a privilege or other asserted ground of non-production is claimed; describes the nature and general topic of the document; identifies the persons who prepared the documents and all recipients; and specifies the date on which the document was prepared or received.

As used in this letter, the term "documents" is to be interpreted broadly, and includes all electronically stored information, as well as written, recorded, communicated, transmitted, or graphic material of any kind that is in the government's possession, custody, or control, including but not limited to e-mails, handwritten notes, notebooks, memoranda, calendars, journal entries, audio and visual recordings, photographs, images, tapes, voicemails, facsimiles, and telephone records and logs.

**Please confirm by November 18, 2016, that you have taken steps to preserve, unaltered, the integrity of all such documents, records and data, whether in hard copy or electronic format, and that you have communicated this preservation request to your colleagues at the Office of International Affairs and the State Department (including the Embassy in Colombia).**

Thank you for your attention to this request.

Sincerely,

/s/ Michael P. Beys

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Michael P. Beys, Esq.  
Joshua D. Liston, Esq.  
*Counsel for Kaleil Isaza Tuzman*